EUROPEAN COMMISSION
Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs
Single Market Enforcement
Notification of Regulatory Barriers

Message 103

Communication from the Commission - TRIS/(2026) 1867

Directive (EU) 2015/1535

Notification: 2026/0185/FR

Forwarding of the observations of a Member State (Italy) (article 5, paragraph 2, of Directive (EU) 2015/1535). These observations do not have the effect of extending the standstill period.

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1. MSG 103 IND 2026 0185 FR EN 10-08-2026 10-07-2026 IT COMMS 5.2 10-08-2026

2. Italy

3A. Ministero delle Imprese e del Made in Italy
Dipartimento Mercato e Tutela
Direzione Generale Consumatori e Mercato
Divisione II. Normativa tecnica - Sicurezza e conformità dei prodotti, qualità prodotti e servizi
00187 Roma - Via Molise, 2

3B. Autorità per le Garanzie nelle Comunicazioni (AGCOM)
Direzione servizi digitali e tutela dei diritti fondamentali
Direzione tutela dei consumatori

4. 2026/0185/FR - SERV60 - Internet services

5. article 5, paragraph 2, of Directive (EU) 2015/1535

6. Subject: Notification of a technical regulation pursuant to Directive (EU) 2015/1535 – Legislative Decree 223/2017, No 185/FR. DSDI and DTC response.
With regard to the request for the information in question, received on 18 May 2026 (Ref. No 183573), we hereby inform you that the undersigned Directorates acknowledge grounds of interest in relation to its subject matter.
In particular, the notified provision concerns a French bill aimed at protecting minors from the risks to which they are exposed through the use of social networks, in its version approved by the French Senate, which adopted the text on first reading on 30 March 2026, following its approval by the National Assembly on 26 January 2026.
In particular, Article 1 of the proposal aims to introduce into French legislation (and in particular into Law No 2004-575 of 21 June 2004 on trust in the digital economy) a rule prohibiting access to certain online social networking services (online platform integrating the functionalities of an online social networking service) by persons under the age of fifteen. In its version approved by the National Assembly, Article 1 established a principle of general prohibition. The version proposed by the Senate suggests prohibiting social networks deemed harmful to children's development, which will be defined by decree, and making access to other social networks conditional on parental authorisation.
The prohibition rule is inspired by other national provisions prohibiting the sale of certain products to minors (tobacco, alcohol, etc.) for reasons of public health and safety, by prohibiting minors under fifteen years of age from accessing the services concerned. This measure is intended to fall within the scope of the Member States' autonomy to define their own legal frameworks in accordance with EU law, as in the case of the Italian bill currently being debated in Parliament (DDL 1136).
The system distinguishes between two categories of services:
I. services that may be detrimental to the physical, mental or moral development of children and adolescents due to the content disseminated or the recommendation systems used, which present a particular risk and therefore justify an

absolute prohibition of access for minors under fifteen years of age. The list of these services is established by order of the minister in charge of digital affairs, taken after consultation with the audiovisual and digital communication regulatory authority [l'Autorité de régulation de la communication audiovisuelle et numérique] (Arcom). Services flagged by Arcom that substantially replicate the content or recommendation systems of one of the services listed on this public list (so-called "mirror" services) will also be considered equivalent to the services listed on this public list.
II. II. other services not included on this list, which are accessible to minors aged fifteen, provided that they are able to demonstrate that they have obtained the prior explicit consent of their parents. This parental authorisation, which can be revoked at any time, also specifies the conditions and limits of the minor's access to the service, in particular the nature of the accessible content, the authorised time slots and the maximum duration of use.
The system also expressly excludes from its scope certain categories of services that do not present specific risks for minors, such as online encyclopedias or platforms for developing and sharing free software.
The control and sanction regime of the rule is part of the governance framework of the Digital Services Act, placing Arcom at the heart of the system, by virtue of its role as Digital Services Coordinator (DSC).
Arcom is thus in charge of directly monitoring compliance with the prohibition by social networks established in France or outside the EU, after consultation with the national commission for information technology and freedoms [Commission nationale de l'informatique et des libertés] (CNIL) regarding age verification systems.
Furthermore, this remit requires Arcom to ensure that age verification systems comply with the conditions set out in Chapter IV of Regulation (EU) 2022/2065 of 19 October 2022 on a single market for digital services and amending Directive 2000/31/EC (the Digital Services Act).
This provision will enter into force on 1 September 2026 and, equally, provides that for accounts allowing access to online social networking services created before that date, the application shall start on the expiry of a period of four months from that date (i.e. from 1 January 2027).
The measure outlined above, as mentioned, is of interest to the undersigned Directorates; we therefore propose to support it, given the similar powers conferred on the Authority regarding age verification, as set out in Article 13-bis of Decree-Law No 123 of 15 September 2023, converted with amendments by Law No 159 of 13 November 2023, No 159 (the so-called Caivano Decree), which introduced a ban on minors' access to pornographic content, given its potential to harm their dignity and physical and mental well-being, thereby constituting a public health issue, and by the 2026 Security Decree concerning the verification of legal age in the online sale of sharp-bladed instruments prohibited to minors. In the notified French draft law, as detailed above, Arcom is entrusted with the responsibility of ensuring that the age-verification systems implemented comply with the provisions of the DSA and, consequently, with the guidelines adopted by the Commission pursuant to Article 28 (guidelines), without adopting any specific regulation; whereas, with regard to the Caivano Decree, Agcom had been tasked with identifying the technical and procedural measures for online age verification. This is also in consideration of the fact that the Commission guidelines had not yet been adopted at the time the Caivano Decree came into force. The French legislator, therefore, in accordance with the provisions of the DSA, does not envisage the introduction of any additional or different age verification measures from those already provided by the Commission. It also harmonises the enforcement framework by entrusting Arcom with the task of monitoring and intervening directly in the case of platforms established in France or outside the EU, and of reporting any suspected breach of the ban by online platforms providing a social networking service online established in other Member States of the European Union to the authorities responsible for enforcing Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022.
Furthermore, given that the recent rulings of the court of first instance (Nos 6280/26 Tecom; 6281/26 Technius; 6282/26 Hammy Media; 6283/26 Aylo) regarding the compatibility of Article 13-bis of the Caivano Decree with Article 28 of the DSA have confirmed that the Italian provision is consistent with European legislation, it is considered appropriate to support the French bill in this respect as well.

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